

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-04354-PKC**

NAACP Legal Defense & Educational Fund, Inc. v.U.S.
Department Of Justice et al
Assigned to: Judge P. Kevin Castel
Cause: 05:552 Freedom of Information Act

Date Filed: 05/16/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**NAACP Legal Defense & Educational
Fund, Inc.**

represented by **Kristen Adriana Johnson**
Naacp Legal Defense and Educational
Fund Inc
40 Rector St
New York, NY 10006
(212)–965–2273
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Samuel Spital
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ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department Of Justice
*including its component OFFICE OF
COMMUNITY ORIENTED POLICING
SERVICES*

represented by **Christine Schessler Poscabelo**
U.S. Attorney Office SDNY
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New York, NY 10007
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Department Of Justice
*including its component OFFICE OF
INFORMATION POLICY*

represented by **Christine Schessler Poscabelo**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/16/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF JUSTICE. (Filing Fee \$ 400.00, Receipt Number 0208-15075324) Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Attachments: # <u>1</u> Exhibit 1 – July 2015 Letter, # <u>2</u> Exhibit 2 – April 2016 Letter, # <u>3</u> Exhibit 3 – Memorandum of Agreement, # <u>4</u> Exhibit 4 – July 2017 Letter, # <u>5</u> Exhibit 5 – August 2017 Letter, # <u>6</u> Exhibit 6 – FOIA Request, # <u>7</u> Exhibit 7 – Interim Response, # <u>8</u> Exhibit 8 – Final Response, # <u>9</u> Exhibit 9 – FOIA Appeal, # <u>10</u> Exhibit 10 – OIP Acknowledgment)(Spital, Samuel) (Entered: 05/16/2018)
05/16/2018	<u>2</u>	CIVIL COVER SHEET filed. (Spital, Samuel) (Entered: 05/16/2018)
05/16/2018	<u>3</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS as to Office of Community Oriented Policing Services (COPS), re: <u>1</u> Complaint,,, Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) Modified on 5/17/2018 (pne). (Entered: 05/16/2018)
05/16/2018	<u>4</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS as to Office of Information Policy, re: <u>1</u> Complaint,,, Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) Modified on 5/17/2018 (pne). (Entered: 05/16/2018)
05/16/2018	<u>5</u>	NOTICE OF APPEARANCE by Samuel Spital on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 05/16/2018)
05/16/2018	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Spital, Samuel) (Entered: 05/16/2018)
05/17/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge P. Kevin Castel. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 05/17/2018)
05/17/2018		Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 05/17/2018)
05/17/2018		Case Designated ECF. (pne) (Entered: 05/17/2018)
05/17/2018		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Samuel Spital. The party information for the following parties has been modified: U.S. Department Of Justice, U.S. Department Of Justice. The information for the parties has been modified for the following reason: party name was entered in all caps. (pne) (Entered: 05/17/2018)
05/17/2018		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Samuel Spital. The following case opening statistical information was erroneously selected/entered: Fee Status code due (due). The following correction has been made to your case entry: the Fee Status code has been modified to pd (paid). (pne) (Entered: 05/17/2018)
05/17/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Samuel Spital to RE–FILE Document No. <u>3</u> Request for Issuance of Summons, <u>4</u> Request for Issuance of Summons,. The filing is deficient for the following reasons: caption entered on summons request is incorrect; defendant party name is incorrect on the summons request and on the docket entry text. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (pne)

		(Entered: 05/17/2018)
05/17/2018	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Justice including its component Office of Community Oriented Policing Services, re: <u>1</u> Complaint,,, Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 05/17/2018)
05/17/2018	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Justice including its component Office of Information Policy, re: <u>1</u> Complaint,,, Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 05/17/2018)
05/18/2018	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES). (dnh) (Entered: 05/18/2018)
05/18/2018	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY). (dnh) (Main Document 10 replaced on 5/18/2018) (dnh). (Entered: 05/18/2018)
05/18/2018	<u>11</u>	ORDER INITIAL PRETRIAL CONFERENCE: Initial Conference set for 8/1/2018 at 12:00 PM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge P. Kevin Castel. (Signed by Judge P. Kevin Castel on 5/18/2018) (ne) (Entered: 05/18/2018)
05/18/2018	<u>12</u>	ORDER TO ANSWER: This Court, having received Petitioner's complaint seeking a writ of mandamus pursuant to 28 U.S.C. § 1361, hereby ORDERS that: The United States Attorney for the Southern District of New York must respond within 60 days. The petitioner may file a reply within 14 days of the filing of the response. It is further ORDERED that the Clerk of Court transmit a copy of this Order and the Complaint to the United States Attorney for this District, Attention: Chief of the Civil Division. SO ORDERED. (Signed by Judge P. Kevin Castel on 5/18/2018) (mml) (Entered: 05/18/2018)
05/18/2018		Transmission to Docket Assistant Clerk. Transmitted re: <u>12</u> Order to Answer to the Docket Assistant Clerk for case processing. (mml) (Entered: 05/18/2018)
05/18/2018		Mailed a copy of <u>1</u> Complaint,, <u>12</u> Order to Answer to U.S. Attorney's Office, S.D.N.Y., Attn: Civil Division, 86 Chambers Street, 3rd Floor, New York, NY 10007. (rro) (Entered: 05/18/2018)
06/01/2018	<u>13</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,, served. U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES) served on 5/18/2018, answer due 6/18/2018. Service was accepted by Israel Mihaya, Clerk, U.S. Attorney for Southern District of New York. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 06/01/2018)
06/01/2018	<u>14</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,, served. Service was accepted by Israel Mihaya, Clerk, U.S. Attorney for Southern District of New York. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 06/01/2018)
06/01/2018	<u>15</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,, served. U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY) served on 5/21/2018, answer due 6/20/2018; U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES) served on 5/21/2018, answer due 6/20/2018. Service was accepted by Desiree Brown Authorized Agent for U.S. Department of Justice. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 06/01/2018)
06/01/2018	<u>16</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,, served. U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES) served on 5/23/2018, answer due 6/22/2018. Service was accepted by Desiree Brown Authorized Agent for U.S. Department of Justice. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 06/01/2018)

06/01/2018	<u>17</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,, served. Service was accepted by Desiree Brown Authorized Agent for U.S. Department of Justice. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 06/01/2018)
06/12/2018	<u>18</u>	LETTER addressed to Judge P. Kevin Castel from Christine S. Poscablo dated June 12, 2018 re: Order to Answer (ECF No. 12). Document filed by U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY), U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES).(Poscablo, Christine) (Entered: 06/12/2018)
06/12/2018	<u>19</u>	AMENDED ORDER TO ANSWER: The Court, having received Petitioner's complaint under the Freedom of Information Act, hereby ORDERS that: The United States Attorney for the Southern District of New York must respond within 60 days nunc pro tunc to May 18, 2018. The petitioner may file a reply within 14 days of the filing of the response. It is further ORDERED that the Clerk of Court transmit a copy of this Order and the Complaint to the United States Attorney for this District, Attention: Chief of the CivilDivision. (Signed by Judge P. Kevin Castel on 6/12/2018) (kgo) (Entered: 06/12/2018)
06/12/2018		Transmission to Docket Assistant Clerk. Transmitted re: <u>19</u> Order to Answer,,, to the Docket Assistant Clerk for case processing. (kgo) (Entered: 06/12/2018)
06/13/2018		Mailed a copy of <u>1</u> Complaint <u>19</u> Order to Answer to United States Attorney for the Southern District of New York, 86 Chambers St, New York, NY 10007. (mhe) (Entered: 06/13/2018)
06/15/2018	<u>20</u>	CONSENT LETTER MOTION for Extension of Time <i>and Adjournment of Initial Pretrial Conference</i> addressed to Judge P. Kevin Castel from Samuel Spital dated June 15, 2018. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Spital, Samuel) (Entered: 06/15/2018)
06/15/2018	<u>21</u>	NOTICE OF APPEARANCE by Christine Schessler Poscablo on behalf of U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY), U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES). (Poscablo, Christine) (Entered: 06/15/2018)
06/18/2018	<u>22</u>	ORDER granting in part and denying in part <u>20</u> Letter Motion for Extension of Time. The proposed schedule is adopted except that the conference is adjourned from August 1 to August 28, 2018 at 2:15 p.m. Amended Pleadings due by 6/26/2018. (Signed by Judge P. Kevin Castel on 6/18/2018) (kgo) (Entered: 06/18/2018)
06/18/2018		Set/Reset Hearings:(Initial Conference set for 8/28/2018 at 02:15 PM before Judge P. Kevin Castel.), Set/Reset Deadlines: U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY) answer due 7/26/2018; U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES) answer due 7/26/2018. (kgo) (Entered: 06/18/2018)
06/26/2018	<u>23</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint,, against U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY), U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES).Document filed by NAACP Legal Defense & Educational Fund, Inc.. Related document: <u>1</u> Complaint,,. (Attachments: # <u>1</u> Exhibit 1 – July 2015 Letter, # <u>2</u> Exhibit 2 – April 2016 Letter, # <u>3</u> Exhibit 3 – Memorandum of Agreement, # <u>4</u> Exhibit 4 – July 2017 Letter, # <u>5</u> Exhibit 5 – August 2017 Letter, # <u>6</u> Exhibit 6 – FOIA Request, # <u>7</u> Exhibit 7 – Interim Response, # <u>8</u> Exhibit 8 – Final Response, # <u>9</u> Exhibit 9 – FOIA Appeal, # <u>10</u> Exhibit 10 – OIP Acknowledgment, # <u>11</u> Exhibit 11 – Final Disposition)(Spital, Samuel) (Entered: 06/26/2018)
07/05/2018	<u>24</u>	NOTICE OF APPEARANCE by Kristen Adrina Johnson on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Johnson, Kristen) (Entered: 07/05/2018)
07/26/2018	<u>25</u>	ANSWER to <u>23</u> Amended Complaint,,, Document filed by U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY), U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES).(Poscablo, Christine) (Entered: 07/26/2018)

08/21/2018	<u>26</u>	JOINT LETTER addressed to Judge P. Kevin Castel from Kristen A. Johnson, Christine S. Poscablo and Garrett Coyle dated August 21, 2018 re: Courts Initial Pretrial Conference Order. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Johnson, Kristen) (Entered: 08/21/2018)
08/28/2018		Minute Entry for proceedings held before Judge P. Kevin Castel: Initial Pretrial Conference held on 8/28/2018. The next case management conference is scheduled for November 1, 2018 at 12:00 p.m. (Nacanther, Florence) (Entered: 08/28/2018)
08/28/2018	<u>27</u>	ORDER FOLLOWING PRETRIAL CONFERENCE: As a result of a Pre-Trial Conference held before the Court today, the following is ORDERED: 1. Defendant shall provide a Vaughn index within 30 days. The parties will thereafter confer to bridge any remaining gap between them. The next Case Management Conference will be held on November 1, 2018 at 12:00 pm. Any conference scheduled for a date prior thereto is adjourned. SO ORDERED. (Case Management Conference set for 11/1/2018 at 12:00 PM before Judge P. Kevin Castel). (Signed by Judge P. Kevin Castel on 8/28/2018) (rjm) (Entered: 08/28/2018)
09/26/2018	<u>28</u>	LETTER MOTION for Extension of Time <i>to Provide Vaughn Index and for Adjournment of Conference</i> addressed to Judge P. Kevin Castel from Christine S. Poscablo dated September 26, 2018. Document filed by U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY), U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES).(Poscablo, Christine) (Entered: 09/26/2018)
09/26/2018	<u>29</u>	ORDER granting <u>28</u> Letter Motion for Extension of Time. Time to provide draft Vaughn index extended to October 11, 2018. Conference adjourned from November 1 to Nov. 19, 2018 at 12:15pm. SO ORDERED. (Signed by Judge P. Kevin Castel on 9/26/2018) (jca) (Entered: 09/26/2018)
09/26/2018		Set/Reset Hearings: Case Management Conference set for 11/19/2018 at 12:15 PM before Judge P. Kevin Castel. (jca) (Entered: 09/26/2018)
11/14/2018	<u>30</u>	CONSENT LETTER MOTION for Extension of Time <i>and Adjournment of Status Conference</i> addressed to Judge P. Kevin Castel from Kristen A. Johnson dated November 14, 2018. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Johnson, Kristen) (Entered: 11/14/2018)
11/15/2018	<u>31</u>	ORDER granting <u>30</u> Letter Motion for Extension of Time. Conference Adjourned From: November 19, 2018 to Dec. 18 at 12:30 pm. SO ORDERED. (Signed by Judge P. Kevin Castel on 11/14/2018) (anc) (Entered: 11/15/2018)
11/15/2018		Set/Reset Hearings: Case Management Conference set for 12/18/2018 at 12:30 PM before Judge P. Kevin Castel. (anc) (Entered: 11/15/2018)
12/14/2018	<u>32</u>	CONSENT LETTER addressed to Judge P. Kevin Castel from Christine S. Poscablo dated December 14, 2018 re: Request to Adjourn Status Conference. Document filed by U.S. Department Of Justice(including its component OFFICE OF INFORMATION POLICY), U.S. Department Of Justice(including its component OFFICE OF COMMUNITY ORIENTED POLICING SERVICES).(Poscablo, Christine) (Entered: 12/14/2018)
12/14/2018	<u>33</u>	MEMO ENDORSEMENT on re: <u>32</u> Letter, filed by U.S. Department Of Justice. ENDORSEMENT: Case Management Conference set for March 1, 2019 at 11:00 a.m. (Case Management Conference set for 3/1/2019 at 11:00 AM before Judge P. Kevin Castel.) (Signed by Judge P. Kevin Castel on 12/14/2018) (jwh) (Entered: 12/14/2018)
12/27/2018	<u>34</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (kv) (Entered: 01/02/2019)
12/27/2018		Case Stayed. (kv) (Entered: 01/14/2019)
02/20/2019	<u>35</u>	NOTICE OF APPEARANCE by Aaron Ross Sussman on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Sussman, Aaron) (Entered: 02/20/2019)

02/28/2019	<u>36</u>	CONSENT LETTER MOTION to Adjourn Conference addressed to Judge P. Kevin Castel from Kristen A. Johnson dated February 28, 2019. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Johnson, Kristen) (Entered: 02/28/2019)
02/28/2019	<u>37</u>	ORDER granting <u>36</u> Letter Motion to Adjourn Conference. Case Management Conference set for 3/26/2019 at 12:00 PM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge P. Kevin Castel. (HEREBY ORDERED by Judge P. Kevin Castel)(Text Only Order) (Nacanther, Florence) (Entered: 02/28/2019)
03/20/2019		NOTICE: Pretrial conference original scheduled for March 26, 2019 is adjourned to April 2, 2019 at 11:00 a.m. (Nacanther, Florence) Modified on 3/20/2019 (Landers, Rigoberto). (Entered: 03/20/2019)
04/02/2019		Minute Entry for proceedings held before Judge P. Kevin Castel: Case Management Conference held on 4/2/2019. The next Case Management Conference is scheduled for June 17, 2019 at 11:30 a.m. (Nacanther, Florence) (Entered: 04/02/2019)
04/02/2019	<u>38</u>	ORDER FOLLOWING PRETRIAL CONFERENCE: As a result of a Pre-Trial Conference held before the Court today, the following is ORDERED: 1. Government to produce documents not held under an exemption and an updated Vaughn Index within 60 days. 2. Government also to review certain Police Foundation drafts to determine whether there are non-exempt portions that can be produced. This process will be completed and the redacted produced within 30 days. The next Case Management Conference will be held on June 17, 2019 at 11:30 a.m. Any conference scheduled for a date prior thereto is adjourned. (Case Management Conference set for 6/17/2019 at 11:30 AM before Judge P. Kevin Castel.) (Signed by Judge P. Kevin Castel on 4/2/2019) (jwh) (Entered: 04/02/2019)
06/13/2019	<u>39</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – CONSENT LETTER MOTION for Extension of Time and <i>Adjournment of Status Conference</i> addressed to Judge P. Kevin Castel from Kristen A. Johnson dated June 13, 2019. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Johnson, Kristen) Modified on 8/20/2019 (db). (Entered: 06/13/2019)
06/14/2019	<u>40</u>	ORDER granting <u>39</u> Letter Motion for Extension of Time. Conference is adjourned from June 17, 2019 to September 5, 2019 at 10:45 a.m. (HEREBY ORDERED by Judge P. Kevin Castel)(Text Only Order) (Nacanther, Florence) (Entered: 06/14/2019)
08/28/2019	<u>41</u>	CONSENT LETTER MOTION for Extension of Time <i>And Adjournment of Status Conference</i> addressed to Judge P. Kevin Castel from Kristen A. Johnson dated August 28, 2019. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Johnson, Kristen) (Entered: 08/28/2019)